

The Honorable Ricardo S. Martinez

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

ALDERWOOD SURGICAL CENTER, LLC,
a Washington limited liability company;
NORTHWEST NASAL SINUS CENTER
P.S., a Washington professional service
corporation; and JAVAD A. SAJAN, M.D.,

Defendants.

NO. 2:22-cv-01835-RSM

STATE'S MOTION FOR
SANCTIONS FOR DEFENDANTS'
DISCOVERY MISCONDUCT

NOTE ON MOTION CALENDAR:
Friday, May 3, 2024

I. INTRODUCTION

The State brings this Motion to address an emergent discovery issue and respectfully requests that the Court order relief to remedy—to the extent possible—Defendants' willful failure to produce information and documents that conclusively establish allegations at the heart of the State's case. Defendants had knowledge and possession of these critical documents that were responsive to several State discovery requests dating back to the first Civil Investigative Demand (CID) in 2021, but Defendants intentionally withheld them until last week. The State is still evaluating the full impact to its trial preparations of not having these smoking gun documents earlier, but Defendants' willful disregard of their discovery obligations has

undeniably prejudiced the State's prosecution of this case. On October 7, 2021, the State issued a CID to Defendant Alderwood Surgical Center, LLC, which was also directed to and encompassed its 100% owner Defendant Javad Sajan M.D. (collectively, Allure). The State enclosed specific Google reviews and directly asked Allure if it was involved in creating them. Allure denied that it was involved in creating *any* fake reviews. For the next two and a half years, through multiple rounds of written discovery, Allure and its owner Dr. Sajan denied creating fake reviews and they produced nothing in response to the State's discovery requests on this claim.

Eleven days ago, with just over a month left before the discovery cut-off, Allure produced without explanation a set of twenty-five emails between Dr. Sajan and an individual named Saqib Munir spanning a period of six months from December 2015 to May 2016. The emails unequivocally demonstrate that Dr. Sajan wrote fictitious reviews himself, including the same fake reviews the State inquired about in 2021. These emails included 25 fake reviews, most of which are still on the Internet. Dr. Sajan intentionally withheld this critical evidence for two and a half years while simultaneously denying the State's allegations that Allure created fake reviews (*see* Dkt. #30 at 15 & 18, denying ¶¶ 85 & 108), denying the State's requests that Allure admit to creating fake reviews, and providing multiple sworn verifications and Rule 26(g) certifications attesting to the truthfulness of Allure's discovery responses.

Allure's creation and use of fake reviews to mislead consumers when choosing among competing providers is one of the State's core claims. *See* Complaint, Dkt. #1 at 2, 4, 6-8 & 16-21, ¶¶ 1-2, 16, 29-35 & 84-111. By stonewalling the State on this issue, Allure repeatedly violated its obligations under the Washington CID statute, RCW 19.86.110, and the Federal Rules of Civil Procedure. Defendants' discovery misconduct has had profound consequences for the State's ability to fully prosecute this case: sixteen depositions have been taken without this evidence, the State prepared a dispositive motion on related claims without these materials, the State's expert Dr. Pavlou did not have access to these documents for his report regarding Allure's fake reviews, and it is now likely too late for the State to locate and obtain testimony from Saqib

1 Munir, the individual Dr. Sajan hired to post the fake reviews via a plethora of fake accounts.

2 Dr. Sajan and his lawyers have spent the last year and a half personally attacking the
 3 Attorney General, asserting without any basis that this case is a witch hunt and a result of a
 4 tawdry political *quid pro quo*. Throughout that time, Allure and Dr. Sajan have lied to the State
 5 and to this Court about their conduct and intentionally withheld damning evidence proving
 6 without a doubt the allegations at the very heart of the State's case. The inexplicable delay in
 7 producing these documents, which are core discovery requested from the beginning of this
 8 matter and which counsel acknowledges they collected from their client well over six months
 9 ago, has greatly prejudiced the State and caused it to expend unnecessary resources.

10 Accordingly, the State respectfully requests that the Court (1) grant the State leave to
 11 allow its expert Paul A. Pavlou, Ph.D. to supplement his report in light of this newly-produced
 12 evidence, (2) order that the State's Requests for Admission on this topic shall be deemed admitted,
 13 (3) dismiss Allure's purported equitable defense of unclean hands with prejudice, (4) grant
 14 monetary sanctions against Allure and its counsel, jointly and severally, in an amount
 15 commensurate with the gravity of these discovery violations as determined by the Court, and
 16 (5) award the State all costs and fees for the multiple rounds of discovery and motion practice that
 17 Defendants' recalcitrance has required.¹

18 II. FACTUAL BACKGROUND

19 On April 1, 2024, after concealing this evidence for two and a half years, Allure produced
 20 documents conclusively demonstrating that Dr. Sajan *wrote his own fake reviews* and paid a
 21 third party to post them on Google's review platform. For example:

- 22 • Dr. Sajan asks, "Can you help me with Google Reviews? I can pay \$20 per
 23 review that sticks for at least 10 days," and Saqib Munir responds, "thanks / ok
 24 / send me list of comment to do / let me know one thing it is compulsory to do

25 ¹ If additional discovery abuses come to light, the State may ask the Court for further
 26 relief, potentially including an independent forensic review of Allure's email accounts at
 Allure's expense.

1 them from usa only?,” and adds, “please send me more detail to start the task,”
2 and Dr. Sajan replies, “I will send you tonight. Do you have skype?”
3 (AE030789);

- 4 • Dr. Sajan states, “I have attached the content. Please get this on Google+ link
5 . . . Please do Group 1 first then Group 2. Google reviews are tough. I will raise
6 it to \$30 per review you have stick for 10 days.” (AE030784-AE030788,
7 attaching 20 fake reviews);
- 8 • Dr. Sajan asks, “Any update? Do you have any chat service?,” Saqib Munir
9 responds in part, “its only stick if I got the reviews from your specific area’s
10 like in USA and from old profiles,” and adds, “two reviews are done on today,s
11 [sic] date these are done from original usa profiles form [sic] real people,” and
12 Dr. Sajan responds, “Thx!!” (AE030782);
- 13 • Dr. Sajan states, “We have an issue. The name on the review does not match
14 name of the profile. . . . Right now it does not match up *and people will think*
15 *it is fake.*” (AE030781);
- 16 • Dr. Sajan states, “The google reviews worked. I want to pay you and we would
17 like more uploaded.” (AE030778); and
- 18 • Dr. Sajan states, “Reviews: Please get these on Google ASAP.” (AE030759-
19 AE030760, attaching 5 more fake reviews).

20 Declaration of Matthew Geyman in Support of State’s Motion for Sanctions for Defendants’
21 Discovery Misconduct (Geyman Decl.), Ex. A (emphasis added).² This evidence directly
22 contradicts two and a half years of false and misleading discovery responses, including sworn
23 verifications by Dr. Sajan and Sabrina Damani (Allure’s CEO and Dr. Sajan’s wife) and multiple
24 Rule 26(g) certifications by Allure’s counsel.

25 Indeed, the reviews Dr. Sajan wrote himself and sent to Saqib Munir in these newly-
26 produced emails include the same fake reviews the State attached as Exhibit D to its CID in
27 October 2021. The CID asked whether Allure had any involvement in creating those reviews

28 ² Many of these fake reviews still appear to this day on Google’s review platform as “five
29 star” reviews of Allure and Dr. Sajan. *See, e.g., id.*, Ex. B (Page Vault web captures captured on
30 April 4, 2024, showing reviews by “Lyna Dang,” “Jenny Bel,” “Kia Andrews,” “Randi Lee,”
31 “James Johnson,” “Tonya Blaine,” “Jay Franklin,” and “Tabatha Starr” as they appeared on
32 Google reviews on that date).

1 and, if so, requested production of all related documents. Allure said no and produced nothing.
 2 *Compare id.*, Ex. C (10/27/21 CID Rogs 10 & 11 & Ex. D) *with id.*, Ex. D (12/8/21 Response to
 3 CID Rogs 10 & 11 stating that Allure “never intentionally or actively sought artificial Google
 4 reviews”). In its CID response Allure confirmed that “Dr. Javad Sajan [and] Respondent’s
 5 counsel Perkins Coie LLP . . . were involved in responding to this Demand.” *Id.*, Ex. D (Response
 6 to CID Rog 14). This was the first time Allure, and specifically Dr. Sajan, lied to the State about
 7 creating the fake reviews.

8 On September 14, 2022, Allure supplemented its response to CID Rog 11 by
 9 acknowledging that its former web designer Matt Russell and an individual named Mohamed
 10 Abbas Mohamedtaki “*may* have obtained reviews” on Allure’s behalf, but in response to CID
 11 Rog 10, which asked whether Allure created the reviews attached as Exhibit D, Allure said it
 12 “lack[ed] sufficient information” to respond. *Id.*, Ex. E. (9/14/22 Supp. Response to CID Rog
 13 10). At the same time, in its supplemental response to CID Rog 10, Allure continued to maintain
 14 that Allure “was not involved in writing, creating, soliciting, purchasing, or otherwise causing
 15 the reviews identified in Exhibit D to the CID.” *Id.* Allure’s CEO, Sabrina Damani, verified these
 16 CID responses under penalty of perjury. *Id.* This was the second time Allure and Dr. Sajan lied to
 17 the State about creating the fake reviews.

18 On December 29, 2022, when it filed its Complaint, the State alleged that Allure and
 19 Dr. Sajan created fake reviews and included two of these same reviews that were included in
 20 Exhibit D to the CID as examples. Dkt. #1 at 16 & 20, ¶¶ 85 & 108. In its answer, Allure
 21 categorically denied those paragraphs despite Dr. Sajan writing those same fake reviews himself.
 22 *Compare* Complaint, Dkt. #1 at 16 & 20, ¶¶ 85 & 108 *with* Answer, Dkt. #10 at 15 & 18, ¶¶ 85
 23 & 108. This was the third time Allure and Dr. Sajan lied to the State about creating the fake reviews,
 24 and the first time they lied to this Court.

25 On April 7, 2023, the State requested this same information in its first set of written
 26 discovery requests in the litigation. Rog 5 asked Allure to “[s]tate whether you were involved in

1 writing, creating, purchasing, or otherwise artificially generating Consumer Reviews on Yelp,
 2 Google . . . or any other review site,” and RFPs 3, 7 and 28 sought additional documents relating
 3 to Allure’s creation of fake reviews *Id.*, Ex. F. In response, Allure simply referred the State to
 4 Allure’s “prior CID responses.” *Id.*, Ex. G. Dr. Sajan verified these responses under penalty of
 5 perjury, and Allure’s counsel certified them under Rule 26(g). *Id.* This was the fourth time Allure
 6 and Dr. Sajan lied to the State about creating the fake reviews.

7 On February 23, 2024, the State served requests for admission which again asked Allure
 8 to admit that it created fake positive reviews. *Id.*, Ex. H. Allure’s responses were evasive,
 9 dishonest and false. On behalf of Allure the company, it answered:

10 **REQUEST FOR ADMISSION 63:** Admit that You artificially created Google
 11 reviews of Yourself.

12 **RESPONSE:** Defendant Alderwood is *unable to admit or deny based on a current*
 13 *lack of information known or readily obtainable, after reasonable inquiry.*

14 *Id.*, Ex. I. On behalf of himself, Dr. Sajan answered:

15 **REQUEST FOR ADMISSION 63:** Admit that You artificially created Google
 16 reviews of Yourself.

17 **RESPONSE:** Defendant Dr. Sajan admits that he has striven to accurately and
 18 honestly portray his businesses to patients. Early on in his career, Dr. Sajan on
 19 occasion sought assistance from various third parties to amplify his online presence.
 20 Upon information and belief, these zealous efforts *may have resulted* in the
 21 development of online reviews. Over the last five years, Defendant Dr. Sajan has
 22 undertaken efforts to ensure that online reviews of his businesses are “real,” and
 23 not issued as a consequence [of] any early career efforts. Unless specifically
 24 admitted herein, this request is otherwise denied based on lack of sufficient
 25 knowledge.

26 *Id.*, Ex. J (emphasis added). This was the fifth time Allure and Dr. Sajan lied to the State about
 creating the fake reviews.³

³ Conspicuously, in contrast to their prior discovery responses, Allure’s counsel did not
 certify their responses to RFA 63 under Rule 26(g).

On April 1, 2024, *six months after collecting these emails* from Dr. Sajan, Allure produced the correspondence between Dr. Sajan and Saqib Munir described above showing Dr. Sajan’s creation of these fake reviews. Immediately thereafter, after reviewing these emails, the State wrote to defense counsel objecting to this late-produced discovery. Geyman Decl. Ex. K. The parties held a meet-and-confer on Tuesday, April 9. *Id.*, ¶ 16. During the meet-and-confer, defense counsel asserted that: (1) they relied entirely on their clients in responding to the CID; (2) they did not collect Dr. Sajan’s personal Gmail account until September 29, 2023, nine months after the State filed its complaint; and (3) they relied on their clients in answering litigation interrogatories and requests for admission, and only reviewed documents that hit on the parties’ agreed search terms or that defense counsel were otherwise aware of through the discovery process. *Id.* Last night, counsel sent additional detail regarding their collection and search. *Id.* ¶ 17, Ex. N.

III. ARGUMENT

A. Legal Standard and Authority for Discovery Sanctions

Federal courts have inherent authority to manage the cases that come before them and issue sanctions for litigation misconduct. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 45-46 (1991) (court has inherent power to assess attorney fees when a party or its counsel “shows bad faith by delaying or disrupting the litigation” or by acting “vexatiously”). The Court’s specific power to impose discovery sanctions arises under Rules 26 and 37. Rule 26(g) requires that discovery responses be signed by an attorney who certifies to the best of their knowledge “formed after a *reasonable inquiry*” that each response is “not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.” Fed. R. Civ. P. 26(g)(1)(B) (emphasis added). “Rule 26(g) is designed to curb discovery abuse by explicitly encouraging the imposition of sanctions.” Fed. R. Civ. P. 26(g), Advisory Comm. Notes to 1983 amendment. The certification requirement “obliges each attorney to stop and think about the legitimacy of a discovery . . . response” and serves to deter “evasive” responses that

1 violate “the spirit and purposes of Rules 26 through 37.” *Id.* “If a certification violates this rule
 2 without substantial justification, the court, on motion or on its own, must impose an appropriate
 3 sanction on the signer, the party on whose behalf the signer was acting, or both.” Fed. R.
 4 Civ. P. 26(g)(3). In addition, Rule 37(c) provides that “[i]f a party fails to admit what is requested
 5 under Rule 36 and if the requesting party later proves . . . the matter to be true, the requesting
 6 party may move that the party who failed to admit pay the reasonable expenses, including
 7 attorney’s fees, incurred in making that proof.” Fed. R. Civ. P. 37(c)(2).

8 **B. The Court Should Sanction Allure and its Counsel**

9 Allure and its counsel’s discovery misconduct can appropriately be addressed through
 10 sanctions under Rule 26(g). Rule 26(g) requires “sanctions on the signer of a discovery response
 11 when the signing of the response is incomplete, evasive or objectively unreasonable under the
 12 circumstances.” *Aecon Bldgs., Inc. v. Zurich North America*, No. C07-832MJP,
 13 2008 WL 3927797, at *4 (W.D. Wash. Aug. 21, 2008) (citation omitted). An objective standard
 14 applies and “the rule requires that the attorney make a reasonable inquiry into the factual basis
 15 of his [or her] response.” *Id.* Here, neither Allure nor its attorneys—and certainly not Dr. Sajan
 16 who was aware of this information all along—made a reasonable inquiry before falsely verifying
 17 and certifying—again and again—that Allure’s discovery responses were truthful and complete.

18 Had Allure or its counsel undertaken *any reasonable inquiry* for responsive documents
 19 and information, they would have discovered that these discovery responses, sworn verifications,
 20 and Rule 26(g) certifications were all false. When Dr. Sajan saw the fake reviews he had drafted
 21 himself in both the State’s CID and Complaint, he knew without any doubt that the State’s
 22 allegations were true and that he possessed the evidence to prove it. Instead of admitting those
 23 facts, he denied the allegations and refused to produce the documents until just last week.

24 Allure and its counsel also violated their basic obligations to identify and produce
 25 relevant information. *See Knickerbocker v. Corinthian Colleges*, 298 F.R.D. 670, 678
 26 (W.D. Wash. 2014) (“Counsel bear responsibility for coordinating their clients’ discovery

1 production . . . [and] ‘ . . . must take affirmative steps to monitor compliance so that all sources
 2 of discoverable information are searched.’”) (quoting *Zubulake v. UBS Warburg LLC*,
 3 229 F.R.D. 422, 435 (S.D.N.Y. 2004)); *Qualcomm, Inc. v. Broadcom Corp.*, No. 05cv1958-B,
 4 2008 WL 66932, at * 9 (S.D. Cal. Jan. 7, 2008), *vacated in part on other grounds*,
 5 2008 WL 638108 (“Attorneys must take responsibility for ensuring that their clients conduct a
 6 comprehensive and appropriate document search. Producing 1.2 million pages of marginally
 7 relevant documents while hiding 46,000 critically important ones does not constitute good faith
 8 and does not satisfy either the client’s or attorney’s discovery obligations. . . . Qualcomm’s
 9 conduct warrants sanctions”).

10 Dr. Sajan is not a marginal player in this case; he is a named Defendant and the 100%
 11 owner of both corporate Defendants. Dr. Sajan is personally and individually responsible for all
 12 of the wrongdoing identified by the State. Obviously, Dr. Sajan knew about Saqib Munir because
 13 he collaborated with Munir in creating these fake reviews from the outset. Dr. Sajan knew the
 14 reviews were fake when he received the State’s CID in October 2021 and the State’s Complaint
 15 in December 2022, both of which attached those same fake reviews. For their part, Allure’s
 16 counsel had a duty to ensure that Dr. Sajan’s email accounts were collected timely and searched
 17 for any relevant evidence. Defense counsel cannot hide behind the parties’ agreed upon search
 18 terms. A simple search for the name “Saqib Munir” would have revealed the smoking gun
 19 documents. Dr. Sajan knew about his complicity with Munir from the beginning, and defense
 20 counsel were on notice of Munir’s role no later than December 22, 2023, when Allure first
 21 produced documents to the State showing that Dr. Sajan paid Munir to rig “best of” doctor
 22 competitions. *Geyman Dec., Ex L* (AE021175-AE021179); *see Qualcomm, Inc.*,
 23 2008 WL 66932, at * 11 (“Assuming arguendo, that Qualcomm did not know about the
 24 suppressed emails, Qualcomm failed to heed several warning signs that should have alerted it to
 25 the fact that its document search and production were inadequate.”).

26 Yet Allure did not produce these documents until at least ***four and a half months later***

on April 1, 2024, and even then only after the State sent a specific request on February 23, 2024 asking for “all written or electronic communications on or after January 1, 2015 with the user of the email address saqibmunir53@gmail.com.” See Geyman Decl., Ex. M (Allure’s 3/29/24 response to the State’s 2/23/24 RFP 63). Tellingly, in Allure’s response to RFP 63, it noted that Allure had “already produced responsive emails Bates-labeled AE024396 and AE021175,” referring to the documents Allure produced on December 22, 2023 showing that Dr. Sajan paid Saqib Munir to cast fake votes in “best of” doctor competitions. *Id.* Those emails Allure produced on December 22, 2023 included one in which Dr. Sajan asked Saqib Munir, “Can you help me with this one [a]gain? *Last time you sent me an excel list with the details,*” *id.* at AE021177 (emphasis added), unmistakably showing that Dr. Sajan and Munir had prior dealings which were not contained in the emails Allure and its counsel had produced up to that point. Based on that information, Allure’s counsel were required to follow up and gather and produce these additional documents immediately.

Allure’s discovery abuses are “egregious and . . . vitiated the basic tenets of the discovery process” and warrant sanctions. *Heath v. F/V Zolotoi*, 221 F.R.D. 545, 553 (W.D. Wash. 2004); see also *Play Visions, Inc. v. Dollar Tree Stores, Inc.*, No. C09-1769MJP, 2011 WL 2292326, at *7 & *10 (June 8, 2011) (assessing \$137,168 in sanctions against Play Visions and its counsel jointly and severally based on “Play Visions’s false certifications, inadequate and delayed responses to RFPs, and counsel’s failure to assist and guide the client’s production of discovery responses); *HM Electronics, Inc. v. R.F. Technologies, Inc.*, No. 12-cv-2884BAS-MDD, 2015 WL 4714908, at *12-20 & 31 (S.D. Cal. Aug. 7, 2015) (recommending evidentiary and monetary sanctions in light of party’s egregious discovery misconduct), *vacated as moot following settlement*, 171 F. Supp. 3d 1010 (S.D. Cal. 2016).⁴

⁴ Sanctions are also appropriate under the Court’s inherent powers, see *Chambers v. NASCO*, 501 U.S. at 45-46 (discussing court’s inherent powers to assess attorney fees when a party or its counsel “shows bad faith by delaying or disrupting the litigation” or by acting

1 Allure and its counsel engaged in a pattern of discovery delay, deception, and obstruction
 2 which prevented the State from obtaining key evidence. While the State is still able to depose
 3 Dr. Sajan and confront him with this newly-produced evidence, it is too late for the State to redo
 4 the last fourteen months of pre-trial preparations, including sixteen depositions, dozens of
 5 consumer declarations, the State's expert's report, and dispositive motions on related issues, all
 6 of which occurred without the benefit of these facts. It is also likely too late for the State to
 7 locate, subpoena, and depose Saqib Munir, who would otherwise be an important witness
 8 regarding Dr. Sajan's misconduct. For all these reasons, the Court should assess both monetary
 9 and non-monetary sanctions against Allure and its counsel.

10 For non-monetary sanctions, the State requests that its expert, Dr. Pavlou, be allowed to
 11 supplement his report. The State retained Dr. Pavlou to address the impact that Allure's fake reviews
 12 would likely have on consumer welfare. *See* Geyman Decl., ¶ 15. The deadline for completion of
 13 expert reports was November 22, 2023, two months after counsel had collected the Sajan documents
 14 but months before they were produced. Defendants should not be permitted any advantage from
 15 this conduct; Dr. Pavlou should be allowed to address the new documents in a revised report.

16 In light of this conclusive evidence of Dr. Sajan's creation of fake emails, the State also
 17 requests that the State's RFA 63, in which Defendants provided equivocal responses and refused to
 18 admit that they created fake Google reviews, be deemed admitted. *See* Geyman Decl., Exs. I & J;
 19 *see also* Fed. R. Civ. P. 36(a)(6) ("On finding that an answer does not comply with this rule, the
 20 court may order either that the matter is admitted or that an amended answer be served.").

21 Further, Allure's affirmative defenses include an equitable defense alleging that
 22 "Plaintiff has unclean hands and has committed wrongdoing, and this lawsuit is attempting to
 23 benefit from that wrongdoing." Dkt. #30 at 36. These allegations are a baseless distraction⁵ and

24 _____
 25 "vexatiously") and under Rule 37(c)(2) and Rule 36 based on Allure's failure to admit that it
 26 created fake Google reviews in response to RFA 63.

⁵ This Court previously recognized that equitable defenses "are generally unavailable
 against a governmental entity in a civil action brought to enforce a public right or protect a public

1 should be barred based on Defendants’ unclean hands in this litigation. *See Root Refining Co. v.*
 2 *Universal Oil Products Co.*, 169 F.2d 514, 534-35 (3d Cir. 1948) (“No principle is better settled
 3 than the maxim that he who comes into equity must come with clean hands and keep them clean
 4 throughout the course of the litigation, and that if he violates this rule, he must be denied all
 5 relief whatever may have been the merits of his claim.”); *U.S. v. Parlavecchio*,
 6 192 F. Supp. 2d 349, 352 (M.D. Pa. 2002) (same, quoting *Root Refining*); *Hall v. Wright*,
 7 125 F. Supp. 269, 273 (S.D. Cal. 1954) (same, quoting *Root Refining*); *see also Aris-Isotoner*
 8 *Gloves, Inc. v. Berkshire Fashions, Inc.*, 792 F. Supp. 969, 970 (S.D.N.Y. 1992), *aff’d*,
 9 983 F.2d 1048 (2d Cir. 1992) (unclean hands where defendant’s president lied under oath); *CCS*
 10 *Communication Control, Inc. v. Sklar*, No. 86-Civ-7191(WCC), 1987 WL 12085, at *3-4
 11 (S.D.N.Y. June 2, 1987) (denying equitable relief to plaintiff who committed perjury). It is
 12 within this Court’s discretion to dismiss Defendants’ purported equitable defense based on
 13 Allure’s unclean hands in this litigation, particularly after Allure and its counsel have spent the
 14 last year and a half arguing to this Court that this whole case is a political witch hunt while
 15 actively deceiving the Court and the State by hiding the fact that Allure and Dr. Sajjan committed
 16 these very same violations of which they are accused.

17 Finally, the State requests that the Court impose a monetary sanction on Allure and its
 18 counsel, jointly and severally, in the amount of \$100,000 or such other amount as determined by
 19 the Court, commensurate with the gravity of these violations, and award the State its costs and
 20 fees for the multiple rounds of unnecessary discovery and motion practice Defendants’ discovery
 21 violations and recalcitrance have required.

22
 23
 24
 25 interest” and “may be asserted against the government only in extraordinary cases involving
 26 ‘affirmative misconduct.’” Dkt. #24 at 6 (citing *FTC v. Debt Solutions, Inc.*, No. C06-298 JLR,
 2006 WL 2257022, at *1 (W.D. Wash. Aug. 7, 2006), and *United States v. Ruby Co.*,
 588 F.2d 697, 703 (9th Cir. 1978)).

IV. CONCLUSION

The State respectfully requests that the Court grant its motion for sanctions and order the relief described herein.

DATED this 12th day of April, 2024.

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/s Matthew Geyman

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I certify that this memorandum contains 4,197 words, in compliance with the Local Civil Rules.